

REMARKS

Claims 1-7 are all the claims pending in the application. Claims 6-7 have been withdrawn from consideration.

I. Claim Rejections under 35 U.S.C. § 112

Claim 2 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Specifically, the Examiner alleges that the phrase “portions may be connection terminals” is indefinite. Applicant submits that claim 2 was amended in the Amendment filed on April 28, 2003 and as a result, Applicant submits that claim 2 is no longer indefinite. If the Examiner wishes to maintain this rejection, Applicant requests that the Examiner explain which portion of claim 2 as currently written (after the amendment of April 28, 2003) is indefinite.

II. Claim Rejections under 35 U.S.C. § 102

Claims 1-5 stand rejected under 35 U.S.C. § 102(e) as being anticipate by Shinozuka (U.S. Patent No. 6,404,728). Applicant traverses the rejection for at least the reasons discussed below.

To be an “anticipation” rejection under 35 U.S.C. § 102, the reference must teach every element and limitation of the Applicant’s claims. Rejections under 35 U.S.C. § 102 are proper only when the claimed subject matter is identically disclosed or described in the prior art. Thus the reference must clearly and unequivocally disclose every element and limitation of the claimed invention. Applicant submits that the Shinozuka reference fails to teach each and every limitation of the claimed invention.

Regarding claim 1, Shinozuka fails to teach a lens holder in which “an end of each of said wire-form elastic members is buried within each of said fixing arms.” The claimed lens holder

has fixing arms for connecting the wire-form elastic members thereto. The ends of the wire-form elastic members are buried within each of the fixing arms. Conversely, Shinozuka teaches a lens driving apparatus in which each wire 6 has a flat fixing pad 6a which connects to the lens holder 3 as shown in Fig. 1. However, the fixing pads 6a are laid upon the lens holder 3 and are fixed to bosses 32 of the lens holder 3 with an adhesive. Said differently, the wires 6 are not buried within fixing arms of the lens holder as recited in claim 1.

Accordingly, since Shinozuka fails to teach that a lens holder in which the end of the wire-form elastic members are buried within the fixing arms of the lens holder, Applicant submits that Shinozuka fails to teach all of the limitations of claim 1. Therefore, Applicant respectfully requests that the rejection of claim 1 under 35 U.S.C. § 102(e) be reconsidered and withdrawn.

Since claim 2 depends from claim 1, and since the Shinozuka reference does not disclose all of the limitations of claim 1, Applicant submits that claim 2 is patentable at least by virtue of its dependency from claim 1. Accordingly, Applicant respectfully requests that the rejection of claim 2 under 35 U.S.C. § 102(e) be reconsidered and withdrawn.

Since claim 3 recites features that are analogous to the features recited in claim 1, Applicants submit that claim 3 is patentable for similar reasons.

Since claim 4 depends upon claim 3, Applicants submit that it is patentable at least by virtue of its dependency from claim 3.

Since claim 5 recites features that are analogous to the features recited in claim 1, Applicants submit that claim 5 is patentable for similar reasons.

AMENDMENT UNDER 37 C.F.R. § 1.116
Appln. No.: 09/778,015

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In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


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